Application Number: 09/973,744 Filing Date: October 11, 2001

Attorney Docket Number: 03180.0289

## **REMARKS**

In this Amendment after Final, Applicants propose amending claim 9, as indicated above. Upon entry of this Amendment, claims 1 - 14 remain pending, with claims 1 - 10 and 12 under current examination, and claims 11, 13, and 14 withdrawn from consideration as drawn to a nonelected invention.

## **Regarding the Office Action:**

In the Final Office Action, the Examiner rejected claims 9 and 10 under 35 U.S.C.  $\S$  112, second paragraph, as being indefinite, and indicated claims 1-8 are allowed.

Applicants appreciate the Examiner's thorough examination of this application and the indication that claims 1-8 are drawn to allowable subject matter.

In response, Applicants propose amending claim 9 to remove the word "main," as indicated in the claim listing. Applicants therefore request the Examiner remove the 35 U.S.C. § 112, second paragraph rejection.

Applicants note that the Examiner indicated that only claims 1-10 are pending, however, Applicants note that claim 12 is also pending and is presumed allowed, as it depends from allowable base claim 1 via dependent claim 5. "Claims 1-10 and 12 read on the elected species" (March 31, 2003 Office Action, p. 2).

If there is any discrepancy in the number of pending claims, Applicants ask the Examiner to call their undersigned representative at the number listed at the end of this paper to resolve any remaining issues.

## Conclusion:

In view of the foregoing, Applicants request reconsideration of the application in light of the amendment made, pursuant to the Examiner's comments, to overcome the 35 U.S.C. § 112,

FINNEGAN HENDERSON FARABOW GARRETT & DUNNERLL

1300 I Street, NW Washington, DC 20005 202.408.4000 Fax 202.408.4400 www.finnegan.com

Application Number: 09/973,744 Filing Date: October 11, 2001

Attorney Docket Number: 03180.0289

second paragraph rejection. This Amendment after Final should allow for immediate and

favorable action by the Examiner, and should place the application in immediate condition for

allowance. Applicants submit that pending claims 1 - 10 and 12 are prima facie in condition for

allowance, for the reasons presented above. A favorable action is requested.

Should the Examiner continue to dispute the patentability of the claims after

consideration of this Amendment after Final, Applicants encourage the Examiner to contact

Applicants' undersigned representative by telephone to discuss any remaining issues or to

resolve any misunderstandings. Applicants' undersigned representative would welcome the

opportunity to discuss the present claims with the Examiner if telephone communication will aid

in advancing prosecution of the present application.

Please grant any extensions of time under 37 C.F.R. § 1.136 required in entering this

response. If there are any fees due under 37 C.F.R. § 1.16 or 1.17, including any fees required

for an extension of time under 37 C.F.R. § 1.136, please charge such fees to our deposit account

06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,

GARRETT & DUNNER, L.L.P.

Dated: February 13, 2004

David M. Longo

Reg. No. 53,235

/direct telephone: (202) 408-4489/

FINNEGAN **HENDERSON** FARABOW GARRETT & DUNNER些

1300 I Street, NW Washington, DC 20005 202.408.4000 Fax 202,408,4400 www.finnegan.com